

Passed by the House on March 3, 2005, by a non-record vote; the House concurred in Senate amendments to H.B. No. 304 on May 18, 2005, by a non-record vote; passed by the Senate, with amendments, on May 9, 2005: Yeas 24, Nays 6.

Approved June 18, 2005.

Effective September 1, 2005.

CHAPTER 1194

H.B. No. 370

AN ACT

relating to deferred disposition of certain traffic offenses by certain holders of out-of-state driver's licenses.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsections (b) and (c), Article 45.0511, Code of Criminal Procedure, are amended to read as follows:

(b) The judge shall require the defendant to successfully complete a driving safety course approved by the Texas Education Agency or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662, Transportation Code, if:

(1) the defendant elects driving safety course or motorcycle operator training course dismissal under this article;

(2) the defendant:

(A) has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the 12 months preceding the date of the offense; *or*

(B) *does not have a valid Texas driver's license or permit, is a member of the United States military forces serving on active duty, and has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state within the 12 months preceding the date of the offense;*

(3) the defendant enters a plea under Article 45.021 in person or in writing of no contest or guilty on or before the answer date on the notice to appear and:

(A) presents in person or by counsel to the court a request to take a course; *or*

(B) sends to the court by certified mail, return receipt requested, postmarked on or before the answer date on the notice to appear, a written request to take a course;

(4) the defendant:

(A) has a valid Texas driver's license or permit; *or*

(B) *is a member of the United States military forces serving on active duty;*

(5) the defendant is charged with an offense to which this article applies, other than speeding 25 miles per hour or more over the posted speed limit; and

(6) the defendant provides evidence of financial responsibility as required by Chapter 601, Transportation Code.

(c) The court shall enter judgment on the defendant's plea of no contest or guilty at the time the plea is made, defer imposition of the judgment, and allow the defendant 90 days to successfully complete the approved driving safety course or motorcycle operator training course and present to the court:

(1) a uniform certificate of completion of the driving safety course or a verification of completion of the motorcycle operator training course;

(2) the defendant's driving record as maintained by the Department of Public Safety, *if any*, showing that the defendant had not completed an approved driving safety course or

motorcycle operator training course, as applicable, within the 12 months preceding the date of the offense; ~~and~~

(3) an affidavit stating that the defendant was not taking a driving safety course or motorcycle operator training course, as applicable, under this article on the date the request to take the course was made and had not completed such a course that is not shown on the defendant's driving record within the 12 months preceding the date of the offense; *and*

(4) if the defendant does not have a valid Texas driver's license or permit and is a member of the United States military forces serving on active duty, an affidavit stating that the defendant was not taking a driving safety course or motorcycle operator training course, as appropriate, in another state on the date the request to take the course was made and had not completed such a course within the 12 months preceding the date of the offense.

SECTION 2. This Act takes effect September 1, 2005.

Passed by the House on April 22, 2005, by a non-record vote; passed by the Senate on May 25, 2005: Yeas 31, Nays 0.

Approved June 18, 2005.

Effective September 1, 2005.

CHAPTER 1195

H.B. No. 381

AN ACT

relating to the service area of the Blinn College District.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 130.168, Education Code, is amended to read as follows:

Sec. 130.168. ~~BLINN JUNIOR [COUNTY] COLLEGE DISTRICT SERVICE AREA.~~
The service area of the Blinn College District includes the territory within:

- (1) Washington, Burleson, Brazos, Madison, Grimes, Waller, Lee, and Fayette counties;
- (2) the Mumford, Hearne, and Franklin independent school districts located in Robertson County;
- (3) ~~[the Bellville Independent School District located in]~~ Austin County, *other than the territory within the Wallis-Orchard Independent School District;*
- (4) the Milano and Gause independent school districts located in Milam County;
- (5) the part of the Richards Independent School District that is located in Walker and Montgomery counties; and
- (6) the part of the Bryan Independent School District that is located in Robertson County.

SECTION 2. The change in law made by this Act applies beginning with the 2005 fall semester.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

Passed by the House on April 29, 2005: Yeas 142, Nays 0, 2 present, not voting; passed by the Senate on May 25, 2005: Yeas 31, Nays 0.

Approved June 18, 2005.

Effective June 18, 2005.